Exhibit 12

United States District Court Eastern District of Wisconsin

Avery v. Manitowoc County 04 C 986



Video Deposition of Mark Rohrer - part 2

Recorded 09/22/2005 in Manitowoc, WI 9:38 am - 11:11 am, 89 mins. elapsed

Magne-Script

(414) 352-5450

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	Witness	1	John F. Mayer
	Mark Rohrer - part 2	2	Nash, Spindler, Grimstad & McCracken
	Thursday 09/22/2005 at 08:30 by: Barbara Cohen Joseph	3	201 East Waldo Boulevard
	Nash, Spindler, Grimstad & McCracken 201 East Waldo Boulevard	4	Manitowoc, WI 54220
	Manitowoc, WI	5	On behalf of Tom Kocourek
	Caption: Avery v. Manitowoc County	6	
	Case No.: 04 C 986 Venue: United States District Court	7	James E. McCambridge
	Eastern District of Wisconsin	8	Wisconsin Department of Justice
		9	17 W. Main St., PO Box 7857
		10	Madison, WI 53707-7857
		11	On behalf of Mark Rohrer
		12	
		13	Also Present: Steven Avery
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	Page 67			Page 69
1	Q And you were appointed by Governor Doyle to that	1	Q	Okay. Can you approximate the number of times that
2	position?	2		that occurred?
3	A Yes, I was.	3	A	I cannot.
4	Q Would you tell me the positions that you held between	4	Q	Okay. Can you fix a range?
5	the time you graduated from law school and March of	5	A	I cannot.
6	2003, as a lawyer. And if you can do it, just put	6	Q	Would you say it was more than a hundred cases?
7	them in order from '92 up through March of '03.	7	A	Yes.
8	A I was an associate attorney for the law firm of	8	Q	Were you ever involved in cases in which Jim
9	Winter, Fox & Stangel. The name of the law firm prior	9		Fitzgerald himself personally was on the other side
10	to that was Olson, Winter & Fox. And that's in Two	10		from you?
11	Rivers, Wisconsin.	11		Yes.
12	Q And that was throughout the period, is that the only	12	Q	۶
13	employment?	13		Manitowoc County, did you ever have any discussions
14	A Yes.	14		with Jim Fitzgerald about the Steven Avery case?
15	Q Okay. And during that period of employment as an	15		No.
16	associate attorney, did you specialize in any	16 17	Q	y y
17	particular areas of the law?	18		Fitzgerald prior to your taking office in March of '03 about Gregory Allen?
18	A No. Q Did you practice criminal law at all?	19	٨	No.
19 20	Q Did you practice criminal law at all?A Yes.	20		
21	Q What kind of work did you do in criminal law?	21	Ų	exonerated Steven Avery with respect to the sexual
22	A Any type of criminal law that came into the office	22		assault of Penny Beerntsen and inculpated Gregory
23	generally was assigned to me. I took public defender	23		Allen?
24	appointments. I did felonies and misdemeanors and	24	Α	I found out about the results from a phone call.
25	traffic.	25	Q	From whom?
	Page 68			Page 70
1	Q Do you know who your immediate predecessor in office	1	A	The crime lab in Madison.
2	was as the district attorney in Manitowoc County?	2	Q	Do you remember who the person was who called you?
3	A Yes.	3	A	No, I do not.
4	Q Who was that?	4	Q	What were you told, as best you recall it?
5	A Jim Fitzgerald.	5	A	The conversation basically I don't recall all the
6	Q And do you know about how long he had served in that	6		details, but she informed me that the DNA results came
7	position?	7		back to Gregory Allen on the samples that they had
8	A Not the precise time, no.	8		tested.
9	Q Approximately?	9	-	And not to Steven Avery?
10	A Rough estimate, at least 15 years.	10	A	That was not discussed at that time, from my
11	Q And do you know who his predecessor was?	11		recollection.
12	A I believe it was Elma Anderson.	12	Q	At the time that you were contacted by the crime lab,
13	Q And do you know how long Elma Anderson served as the			did you have an awareness that this testing was
14	district attorney?	14		pending, or was that a new subject to you?
15	A No.	15		I was aware of it.
16	Q And Elma Anderson's predecessor was who?	16	Q	5
17 18	A I'm not certain, but I believe it was Denis Vogel.	17 18	A	Jim Fitzgerald told me about that before he left the office.
	Q Okay. In the course of your practice as an associate	Τ0		UTHCC.
19	attorney at your law firm, did you have occasion to be	19	\circ	On one occasion or more than one occasion?

in Manitowoc County on various cases?

on the other side from the district attorney's office

A Can you please -- what do you mean by other side? Q You were defending somebody that they were

24 prosecuting.

25 A Yes. 20 A I believe it was one occasion, from my recollection.

21 Q And was it a discussion that took place between the 22 two of you?

23 A Yes.

24 Q Was it part of a briefing where he was bringing you up 25 to speed on various cases, or was it just relating to

3 (Pages 71 to 74)

this particular case? A I don't recall. It was just one of the things he mentioned during a conversation we had. Q Okay. Was anyone else present for the conversation? A No. Prior to that conversation, had you ever discussed the Steven Avery case with Jim Fitzgerald? A No. Q Tell me everything you can remember about what Fitzgerald told you. He just told me that there from my recollection, that there was testing being done. He pointed where the file was in the office and that was it. Q What was the file to which he pointed? A The Steven Avery file. Q In prior testimony you marked and identified in dialog with my colleague, Steve Glynn, five boxes of materials, Exhibits 95 through 99. Do you recall that? A Yes, I do. Q The file that you just referred to, the Steven Avery file, is that part of those exhibits as far as you know? A Yes, to the best of my knowledge. Page 72 Page 74 A Mike Griesbach. When did you hear about it? A I don't recall. A I don't re	
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1 Jim Fitzgerald, it was known to you as the Steven 1 A Mike Griesbach.	
A vower file and it was a composted as such is that	
2 Avery file and it was segregated as such; is that 2 Q Where?	
3 right? 3 A In my office.	
4 A In my office, yes, which was his former office. 4 Q Anybody else there?	
5 Q So the file itself was in Fitzgerald's former office, 5 A At that time, no.	
6 your office after you took office? 6 Q How long did the conversation last?	
7 A Correct. 7 A I don't recall.	
8 Q Where did Fitzgerald go? Did he leave the office at 8 Q What did you tell Mike Griesbach?	1. 1.1
9 the time? 9 A I told him about the phone call and we h	
10 A He lost the election. 10 you know, what we were going to do on t	ie basis of the
11 Q And where did he go from there, do you know? 12 A I do not know precisely where he went after that. 12 Q Let me just back up a little bit. As I und	arctond it
	old oborr*
14 A Not precisely, no. I know he went to various other 14 the pendency of the crime lab's examinati 15 ADA D.A.'s offices, but I don't know where he went. 15 samples in the Steven Avery case took pla	
16 Q What D.A.'s offices did he go to, as best you can 16 after you won and he lost the election. Is	on of the
17 recall? 17 right?	on of the
18 A The only one I know if is the most recent one was 18 A I didn't win the election.	on of the
19 Vilas. I don't recall the county before that. 19 Q Who won the election?	on of the
20 Q As far as you know, he's practicing in Vilas County 20 A Mike Griesbach.	on of the
21 now? 21 Q How did it come to pass that you became	on of the
22 A I don't know what he's doing right now. 22 attorney?	on of the ace shortly that
Q When did you know that he was practicing in Vilas 23 A Mike Griesbach did not take office, he d	on of the ace shortly that
24 County? 24 And then an appointment process took pla	on of the ace shortly that
25 A I don't recall. I just heard about it. 25 for it and I was appointed by Governor Do	on of the ace shortly that the the district eclined it.

4 (Pages 75 to 78)

17, 2003. 2 Q The conversation that you testified to earlier with 3 Jim Fitzgerald took place shortly after you took office? A It took place after I was in office and before he left the office. Q And about how soon after you took office did he leave the office, approximately? A A timost a couple months. C Q Okay. C Q So let me ask you this. From the time of that conversation with Jim Fitzgerald until you received the information that you've told us about that you received from the crime lab, did you have any discussions about the Steven Avery case with anyone in your office? A No, I did not. From my recollection, no. C Q Did you consider that it was assigned to anybody? A A that time, no Q Did you consider that it was assigned to anybody? A A that time, no Q Okay. Again, for the same period of time between when you took office and when the information of time between when you were informed by Fitzgerald up to when you received the phone call from the crime lab, was not. Q Okay. Again, for the same period of time, the person outside the district attorney's office about the Steven Avery case? A No, I did not, from my recollection. Q When you took offices and when you you give me - REPORTER: We're back on the record. Off the record (97 4 Psc, I have) Q All right. Have you seen it before today? A Psc, I have. Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it before today? (Fixhibit 123 dentified) Q All right. Have you seen it			D 75			1 (Tages 73 to 70)
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4 you give me - 5 A It took place after I was in office and before he left 6 the office. 7 Q And about how soon after you took office did he leave 8 the office, approximately? 9 A At most a couple months. 10 Q Okay. 11 A Maybe less. 12 Q So let me ask you this. From the time of that 13 conversation with Jim Fitzgerald until you received 14 the information that you've told us about that you 15 received from the crime lab, did you have any 16 discussions about the Steven Avery case with anyone in 17 your office? 18 A No, I did not. From my recollection, no. 19 Q Did you take responsibility for the then-pending case 19 C Did you take responsibility for the then-pending case 19 C Did you take responsibility for the then-pending case 19 C Did you take responsibility for the then-pending case 10 A No, I did not. From my recollection, no. 10 Page 76 11 with it. 12 Page 76 12 with it. 13 Page 76 14 with it. 15 Page 76 15 With it. 16 A Hat time, no. 17 A C At that time, no. 18 PEPORTER: Were back on the record. 19 Q Nalr, Rohrer, have you finished examining the documen!? 19 Q Nall right. Eleve you finished examining the documen!? 10 Q Nall right. Eleve you finished examining the documen!? 11 Q Yes, 12 Q Yes, 13 A No, I did not. From my recollection, no. 14 Q Obay ou take responsibility for the then-pending case 15 A At that time, no. 16 A No, I did not. From my recollection the office. 17 A The only thing is the conversation the crime lab. 18 Page 76 19 With it. 19 Q I dive the variety of the document is accurate. 19 Q Nay, Again, for the same period of time, the period of time between when you were informed by Fitzgerald up to when you received the phone call from the crime lab was one variety of the Steven Avery case? 10 A No, I did not, from my recollection. 11 Q When you took office, were you in any fashion of your own knowledge aware of the Steven Avery case? 12 A No, I was not. 13 Q So it was a completely new name to you when you got it was freely out to the extent that he did on the case. 15 A That sourrect. 16 A	2	Q	The conversation that you testified to earlier with	2		MR. KELLY: No, this is September 4th.
5 A It took place after I was in office and before he left the office. 7 Q And about how soon after you took office did he leave the office, approximately? 8 the office, approximately? 9 A At most a couple months. 10 Q Okay. 11 Q Nay less. 12 Q So let me ask you this. From the time of that conversation with Jim Fitzgerald until you received the formation that you've told us about that you received from the crime lab, did you have any office and you've told was been marked as Exhibit 12 wor knowledge aware of the Steven Avery case? 15 A The file was left in the office. Nothing was done 12 own knowledge aware of the Steven Avery case? 16 A No, I did not, from my recollection. 17 your office? 18 A No, I did not, From my recollection no. 16 that you've told us about came back from the crime lab, or was that file assigned primarily to someone else very and the steven of the st	3		Jim Fitzgerald took place shortly after you took	3		MR. MCCAMBRIDGE: Off the record, why don't
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9 A At most a couple months. 10 Q Okay. 11 A Maybe less. 12 Q So let me ask you this. From the time of that 13 conversation with Jim Fitzgerald until you received the information that you've told us about that you received from the crime lab, did you have any office? 14 the information that you've told us about that you received from the crime lab, did you have any office? 15 row office and crime lab inquiry during the period of time between when you took office and when the information that you've told us about came back from the crime lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned primarily to someone lab, or was that file assigned to anybody? 10 A A that time, no. 11 Q Whan you consider that it was assigned to anybody? 12 A At that time, no. 13 Q All right. Have you seen it before today? 14 A Yes, I have. 15 Yes, I have. 16 (Exhibit 123 identified) 17 A Il right. Have you understand it to be? 18 A No, I did not, from the crime lab, did you take responsibility for the then-pending case file and crime lab inquiry during the period of time the conversation that you verificed to memor that Mike prepared in regard to this case from the crime lab, with it. 19 Q Did you consider that it was assigned to anybody? 10 A At that time, no. 21 Q Did you consider that it was assigned to anybody? 22 Q Did you consider that it was assigned to anybody? 23 A At that time, no. 24 Q Okay. Again, for the same period of time, the	7	Q	And about how soon after you took office did he leave	7		REPORTER: We're back on the record.
10 Q Okay. 11 A Maybe less. 12 Q So let me ask you this. From the time of that conversation with Jim Fitzgerald until you received the phone call from the crime lab, did you have any discussions about the Steven Avery case with anyone in you file and crime lab inquiry during the period of time between when you took office and when the information that you've told us about came back from the crime lab, or was that file assigned primarily to someone else? 10 Did you consider that it was assigned to anybody? 11 A No, I did not, from my recollection. 12 Page 76 1 With it. 12 Q Did, you consider that it was assigned to anybody? 13 A At that time, no. 14 Q Okay. Again, for the same period of time, the period of time between when you received the phone call from the crime lab up to when you received the phone call from the crime lab personnel, did you have conversation with any other person outside the district attorney's office about the Steven Avery case? 14 Q Nen you took office, were you in any fashion of your own knowledge aware of the Steven Avery case? 15 Q Nen you took office, were you in any fashion of your own knowledge aware of the Steven Avery case? 16 A Thaf's correct. 17 Q At the time that you received the phone call from the crime lab, was Gregory Allen known to you at all? 18 A No, I was not. 19 Q So the first you knew of it was when Fitzgerald briefed you to the extent that he did on the case. 19 A No, be was not. 19 Q No, be was not. 20 Q So it was a completely new name to you when you got the crime lab, was Gregory Allen known to you at all? 21 Q Fire going to show you what's been marked as Exhibit to the conversation between you looking for information about for received the phone call from the crime lab, as gregory Allen known to you at all? 22 Q So it was a completely new name to you when you got the crime lab, was Gregory Allen known to you at all? 23 Q Fire going to show you what's been marked as Exhibit to the conversation that, if the conversation that work and the conversation that you want	8		the office, approximately?	8		BY MR. KELLY:
11	9	A	At most a couple months.	9	Q	Mr. Rohrer, have you finished examining the document?
12 Q So set me ask you this. From the time of that conversation with Jim Fitzgrald until you received the their formation that you've told us about that you received from the crime lab, did you have any discussions about the Steven Avery case with anyone in between when you took office and when the information that obly the between when you took office and when the information that you've told us about came back from the crime lab, or was that file assigned primarily to someone else?	10	Q	Okay.	10	A	Exhibit 123?
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18 memo that Mike prepared in regard to this case from the conversation that took place on September 3rd. 20 plid you take responsibility for the then-pending case file and crime lab inquiry during the period of time between when you took office and when the information that you've told us about came back from the crime lab, or was that file assigned primarily to someone labe, or was that file assigned primarily to someone labe. Page 76 1 with it. 2 Q Did you consider that it was assigned to anybody? 3 A A that time, no. 4 Q Okay. Again, for the same period of time, the period of time between when you received the phone call from the crime lab personnel, did you have conversation with any other person outside the district attorney's office about the Steven Avery case? 3 A No, I did not, from my recollection. 4 Q When you took office, were you in any fashion of your own knowledge aware of the Steven Avery case? 4 A Yes. 5 Q If the time that you received the phone call from the crime lab personnel, did you have conversation with any other person outside the district attorney's office about the Steven Avery case? 4 A No, I was not. 5 Q So the first you knew of it was when Fitzgerald briefed you to the extent that he did on the case. 6 A That's correct. 7 Q At the time that you received the phone call from the crime lab, was Gregory Allen known to you at all? 8 A No, I was not. 9 Q So the first you knew of it was when Fitzgerald briefed you to the extent that he did on the case. 16 A That's correct. 17 Q At the time that you received the phone call from the crime lab, was Gregory Allen known to you at all? 18 A No, he was not. 19 Q So to was a completely new name to you when you got the call from the crime lab, was Gregory Allen known to you at all? 20 Q For the record, what's CCAP? 21 A Yes. 22 A His date of birth. May have found other things I can't recall at this time. 23 A Yes. 24 A Yes. 25 Q Do you recall what you foundred the crime lab? 26 A Yes. 27 A Wenn on the occasion referred to in Exhibit 123 you were	16		discussions about the Steven Avery case with anyone in	16		(Exhibit 123 identified)
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25 you would. 25 Q All right. At the time on this occasion September 3rd	23	Q				

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					5 (Pages 79 to 82)
		Page 79			Page 81
1		when you and Mike talked, did you talk at all about	1	Q	So what did you direct Gail to do?
2		wanting to find any further information that might be	2	A	To start doing some potential legal research if we
3		in the district attorney's files about Gregory Allen?	3		could charge Mr. Allen.
4	A	No, we did not.	4	Q	Did you ask her to seek out any further
5	Q	At any occasion after that, did you have any such	5		information that might be available concerning
6		conversation with Mike?	6		Mr. Allen?
7	A	No. You're saying to look for other information	7	A	I did not.
8		regarding Gregory Allen in the file?	8	Q	Did you have any knowledge at the time whether Mr.
9	Q	In any file anywhere in the D.A.'s office.	9		Allen was incarcerated?
10	Α	No.	10	A	I looked at CCAP. That was my only basis that made my
11	Q	To your knowledge, did Mike Griesbach make any effort	11		determination that he was incarcerated at that time.
12		to find any further information concerning Gregory	12	Q	So based on what you saw in CCAP, you thought he was
13		Allen in the files of the district attorney's office	13		in jail at the time?
14		than the document that's identified in Exhibit 123?	14	A	At the time of our conversation?
15	A	I can't say what he did on his own.	15	Q	At the time of your conversation with Gail.
16	Q	You don't know.	16	A	Yes.
17	A	None at my direction.	17	Q	Where was he incarcerated as you reviewed CCAP?
18	Q	Do you know whether or not it was at your direction if	18	A	I didn't know where he was incarcerated, I just knew
19		he made any such effort?	19		from the CCAP he had a sentence he was serving.
20	A	He did not make such an effort at my direction.	20	Q	Did you know what the sentence was?
21	Q	Okay. But what I'm asking you is, whether or not he	21	A	I don't recall the precise sentence, no.
22		made it at your direction do you have any knowledge	22	Q	Well, what's you best recollection of what you
23		that he made it?	23		discovered about Mr. Allen when you looked at CCAP and
24	A	No.	24		talked to Gail Prost about it?
25	Q	Okay. After this conversation with you and Mike	25	A	There was a prison well, I didn't talk to her about
		Page 80			Daga 92
		1490 00			Page 82
1		Griesbach, to whom did you next speak about what you	1		the prison sentence. There was a prison sentence on
2		Griesbach, to whom did you next speak about what you had found out from the crime lab?	2		the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving.
2	A	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the	2	Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was?
2 3 4	_	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office.	2 3 4	A	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no.
2 3 4 5	Q	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost?	2 3 4 5	A Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were?
2 3 4 5 6	Q A	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost? The assistant district attorney in the office as well.	2 3 4 5 6	A Q A	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were? Not precisely, no. I'd have to look at it.
2 3 4 5 6 7	Q A Q	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost? The assistant district attorney in the office as well. And was she brought to the office at your direction?	2 3 4 5 6 7	A Q A Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were? Not precisely, no. I'd have to look at it. Well, generally what's your best recollection?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A Q A	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost? The assistant district attorney in the office as well. And was she brought to the office at your direction? Yes. And why did you ask to see her? I wanted to discuss with her about doing some legal research in regard to Mr. Allen. Tell me what you recall of those conver Was Mr. Griesbach present when you spoke to Gail Prost? I believe so. From my recollection, yes. Tell me what you recall of the discussion on that occasion that you had with Gail. I was going to have her check out the statute of limitations issue of whether or not Mr. Allen could be prosecuted potentially if the case would arise after doing research through the file.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A Q A Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were? Not precisely, no. I'd have to look at it. Well, generally what's your best recollection? I don't want to guess. I'd have to look at the CCAP record to be sure. I know you don't want to guess. I'm just asking you what your best recollection is. It may have been sexually related. Okay. Did Mr. Griesbach have any conversation with Ms. Prost at that time? I don't recall. After you and Mr. Griesbach spoke with Ms. Prost well, strike that. Let me ask you, what did you tell Ms. Prost when she came in to see you about what you had heard? Heard from what?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost? The assistant district attorney in the office as well. And was she brought to the office at your direction? Yes. And why did you ask to see her? I wanted to discuss with her about doing some legal research in regard to Mr. Allen. Tell me what you recall of those conver Was Mr. Griesbach present when you spoke to Gail Prost? I believe so. From my recollection, yes. Tell me what you recall of the discussion on that occasion that you had with Gail. I was going to have her check out the statute of limitations issue of whether or not Mr. Allen could be prosecuted potentially if the case would arise after doing research through the file. When you say "after doing research through the file,"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were? Not precisely, no. I'd have to look at it. Well, generally what's your best recollection? I don't want to guess. I'd have to look at the CCAP record to be sure. I know you don't want to guess. I'm just asking you what your best recollection is. It may have been sexually related. Okay. Did Mr. Griesbach have any conversation with Ms. Prost at that time? I don't recall. After you and Mr. Griesbach spoke with Ms. Prostwell, strike that. Let me ask you, what did you tell Ms. Prost when she came in to see you about what you had heard? Heard from what? From the crime lab.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q Q A Q Q Q A Q	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost? The assistant district attorney in the office as well. And was she brought to the office at your direction? Yes. And why did you ask to see her? I wanted to discuss with her about doing some legal research in regard to Mr. Allen. Tell me what you recall of those conver Was Mr. Griesbach present when you spoke to Gail Prost? I believe so. From my recollection, yes. Tell me what you recall of the discussion on that occasion that you had with Gail. I was going to have her check out the statute of limitations issue of whether or not Mr. Allen could be prosecuted potentially if the case would arise after doing research through the file. When you say "after doing research through the file," tell me what you meant by that at the time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q A Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were? Not precisely, no. I'd have to look at it. Well, generally what's your best recollection? I don't want to guess. I'd have to look at the CCAP record to be sure. I know you don't want to guess. I'm just asking you what your best recollection is. It may have been sexually related. Okay. Did Mr. Griesbach have any conversation with Ms. Prost at that time? I don't recall. After you and Mr. Griesbach spoke with Ms. Prostwell, strike that. Let me ask you, what did you tell Ms. Prost when she came in to see you about what you had heard? Heard from what? From the crime lab. I don't recall precisely what I said to her. My only
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q A Q Q Q A Q Q Q A Q	Griesbach, to whom did you next speak about what you had found out from the crime lab? My recollection is Gail Prost was then brought to the office. And who is Gail Prost? The assistant district attorney in the office as well. And was she brought to the office at your direction? Yes. And why did you ask to see her? I wanted to discuss with her about doing some legal research in regard to Mr. Allen. Tell me what you recall of those conver Was Mr. Griesbach present when you spoke to Gail Prost? I believe so. From my recollection, yes. Tell me what you recall of the discussion on that occasion that you had with Gail. I was going to have her check out the statute of limitations issue of whether or not Mr. Allen could be prosecuted potentially if the case would arise after doing research through the file. When you say "after doing research through the file,"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A Q	the prison sentence. There was a prison sentence on CCAP that Mr. Allen was serving. Do you recall what the length was? Not off the top of my head, no. Do you recall what the crimes were? Not precisely, no. I'd have to look at it. Well, generally what's your best recollection? I don't want to guess. I'd have to look at the CCAP record to be sure. I know you don't want to guess. I'm just asking you what your best recollection is. It may have been sexually related. Okay. Did Mr. Griesbach have any conversation with Ms. Prost at that time? I don't recall. After you and Mr. Griesbach spoke with Ms. Prostwell, strike that. Let me ask you, what did you tell Ms. Prost when she came in to see you about what you had heard? Heard from what? From the crime lab.

the case dismissed against Mr. Avery.

25

25 Q Did you tell her what you had been told by the person

				6 (Pages 83 to 86)
	Page 83			Page 85
1	from the crime lab?	1	Q	Meaning that you said something about the situation?
2	A Again, as I said, I don't recall precisely what I said	2	A	Yes.
3	to her.	3	Q	Do you recall whether you told the office the
4	Q I'm not asking for precise recollection. All I'm	4		substance of what you had been told by the woman from
5	asking for is your best recollection.	5		the crime lab?
6	A And I don't know for sure what I said.	6	A	I don't recall if I mentioned specifically about the
7	Q You don't have to know it for sure. Just tell me what	7		crime lab.
8	your best recollection is.	8	Q	
9	A The only thing I recall what I talked to her about is	9	A	1
10	the statute of limitations issue. I don't know what	10	Q	Did you use Steven Avery's name? Yes.
11 12	else I talked to her about.	11	A Q	
13	Q Okay.A It may have come up, but I don't know.	13	A	
14	Q All right. After that conversation with her and Mr.	14	Q	Did you use Gregory Allen's name?
15	Griesbach, with whom did you next speak about what you		A	
16	had been informed of by the woman from the crime lab?	16	Q	Do you remember who was present?
17	A I don't recall.	17	A	
18	Q Did you at some point decide to call Mr. Tinker at the	18	Q	Do you recall whether Brenda Petersen was present?
19	Attorney General's office?	19	A	
20	A I did.	20	Q	Would have been?
21	Q At the time you decided to call Mr. Tinker, had you	21	A	Yes.
22	made any further announcement in your office	22	Q	By you?
23	concerning what you had been told by the person at the	23	A	
24	crime lab than what you've already told us about your	24	Q	Notified on the occasion of you making an announcement
25	conversation with Mr. Griesbach and Ms. Prost?	25		to a group of people or notified separately?
	Page 84			Page 86
1	A Could you repeat the question? I apologize.	1	A	I don't recall if I did it individually or as a group.
2	Q Let's read it back.	2	Q	2 ,
3	(Question played back 10:00 - 10:01)	3		present?
4	A I don't recall.	4		She was made aware of it.
5	Q Do you have any recollection of announcing to other		Q	Do you recall whether she was made was she made
6	members of your staff and office that the crime lab	6		aware of it by you?
7	had made a determination that Steven Avery was	7 8		Yes. Do you recall whether it was in a group of people or
8	exculpated and Gregory Allen was inculpated in the matter of the sexual assault on Penny Beerntsen?	9	Ų	separately?
10	A Yes, I do.	10	Δ	I don't recall.
11	Q What's your recollection of that?	11		Do you recall whether a Ms. Mertens was made aware of
12	A I probably told the office about the situation and	12	~	it?
13	that we were not to discuss it outside the office and	13	A	No, not from me.
14	to keep it within the office.	14		Do you recall whether independently of you Mr.
15	Q Tell me your best recollection, precise or not, about	15		Griesbach made anybody in the office aware of it?
16	the words that you used when you told the office, as	16	A	, , , , , , , , , , , , , , , , , , ,
17	you put it, about the situation. How did you describe	17	Q	•
18	the situation?	18	A	r
19	A I don't recall.	19	~	Mr. Prost.
20	Q You have no recollection of that?	20	Q	ž ,
21	A I don't recall what I said.	21		Ms. Badker aware of it, had you already spoken with
22 23	Q Do you recall generally what you said about it?	22	٨	Mr. Tinker? I don't recall.
24	A I just, like I said, I made the announcement and I don't recall the words I used other than what I've	24	Q	
25	already told you.	25	V	about the Steven Avery matter?
/ ¬				acout the Dieven rivery matter:

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7 (Pages 87 to 90)

					/ (Pages 8/ to 90)
		Page 87			Page 89
1	A	I don't recall.	1	A	Again, she may have been present, but I don't recall
2	Q	Can you estimate them?	2		the name.
3	A	I talked to him about it on a couple of occasions. I	3	Q	All right. Robbie Lowery?
4		do not know the number.	4		She may have been present, but I don't recall the
5	Q	You talked to him on the phone or in person?	5		name.
6	-	Both.	6	Q	Do you remember the identity of any of the DCI
7	Q	In person you talked to him in Madison; is that right?	7		investigators?
8	A	Yes.	8	Α	No. Not
9	Q	But not in Manitowoc.	9	Q	Does Deb Strauss ring a bell at all? Do you remember
10	À	Correct.	10	`	whether she was present on that occasion?
11	Q	When you were in Manitowoc, you talked to him by	11	Α	She may have been present, but I don't recall the
12		phone.	12		name.
13	A	Correct.	13	О	All right. By that time, that is, to say by the time
14	Q	Meaning he didn't come to Manitowoc.	14	`	you met in Madison at the attorney general's office,
15	À	Correct.	15		you had received information from people in the
16	Q	When you went to Madison, you were accompanied by Mr.			district attorney's office about Gregory Allen; is
17		Griesbach?	17		that right?
18	A	Yes, I was.	18	Α	Yes.
19	Q	And you brought with you the Steven Avery file from	19	Q	Who were the people from whom you had received that
20		the district attorney's office.	20		information?
21	A	We did.	21	Α	I don't recall precisely.
22	Q	Did you bring anything further?	22	Q	
23		We just brought the file.	23	À	It may have been Bev Badker and Brenda Petersen.
24	Q	All right. Can you tell me how many times you spoke	24	Q	Anybody else that you recall?
25		with Mr. Tinker before you went to Madison and brought	25	À	No.
		Page 88			Page 90
1		-			_
		the file?	1	\cap	By the time that you went to Madison to meet in the
2	Λ	the file?	1	Q	By the time that you went to Madison to meet in the
2	_	I do not know.	2	Q	attorney general's office, had you had further
3	Q	I do not know. When you got to Madison, did you speak to Mr. Tinker?	2		attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen?
3 4	Q A	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes.	2 3 4	A	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes.
3 4 5	Q A Q	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes. Did you speak to anybody else?	2 3 4 5	A Q	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes. How many?
3 4 5 6	Q A Q A	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes. Did you speak to anybody else? Yes.	2 3 4 5 6	A Q A	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes. How many? I don't know.
3 4 5 6 7	Q A Q A Q	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes. Did you speak to anybody else? Yes. Who?	2 3 4 5 6 7	A Q	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes. How many? I don't know. Tell me what you recall of the contents of those
3 4 5 6 7 8	Q A Q A	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes. Did you speak to anybody else? Yes. Who? We were met with during the meeting the Attorney	2 3 4 5 6 7 8	A Q A Q	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes. How many? I don't know. Tell me what you recall of the contents of those discussions.
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3 4 5 6 7 8 9 10	Q A Q A Q A	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes. Did you speak to anybody else? Yes. Who? We were met with during the meeting the Attorney General Peg Lautenschlager. Various other assistant attorney generals were present, don't know all their names. DCI investigators were present.	2 3 4 5 6 7 8 9 10	A Q A Q	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes. How many? I don't know. Tell me what you recall of the contents of those discussions. I don't recall those contents of the discussions. At all? No.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q	I do not know. When you got to Madison, did you speak to Mr. Tinker? Yes. Did you speak to anybody else? Yes. Who? We were met with during the meeting the Attorney General Peg Lautenschlager. Various other assistant attorney generals were present, don't know all their names. DCI investigators were present. Let's start with the assistant attorneys' general. Did you talk to Mike Bauer? I don't recall the names, as I said, of all the assistants that were there. But he may have been present. How about Tom Falon? Do you recall whether he was there? Tom Falon? Falon. Yeah, he was present.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A Q A Q	attorney general's office, had you had further discussions with Mike Griesbach about Gregory Allen? Yes. How many? I don't know. Tell me what you recall of the contents of those discussions. I don't recall those contents of the discussions. At all? No. To your knowledge, at that time had Mr. Griesbach been conducting any further inquiries about who Gregory Allen was, what his record was and so forth? He or I may have done that. Well, let's start with you. What did you do? I'm not sure who did what, but we did do a criminal history check on Mr. Allen at the sheriff's department. Anything further that you recall? We had done the CCAP check before that.
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8 (Pages 91 to 94)

					0 (rages 91 to 94)
	Pa	ge 91			Page 93
1	Q Had the two of you,	in respect to this search, made a	1	Q	I'm not asking you verbatim. I'm asking you your best
2	decision to try and fin	d out within the confines of	2		recollection of what she said. Come on, you're a
3	•	woc government whatever you could	3		lawyer, you know the difference that I'm talking
4	about Gregory Allen?	,	4		about. Just give me your best recollection.
5	A That was not what w	e were doing, no.	5		MR. BASCOM: Objection. Argumentative.
6		er that you were doing?	6		MR. MCCAMBRIDGE: Object
7		e got a criminal history check	7		MR. COVELLI: If he has one.
8		sheriff's department, and I	8		MR. MCCAMBRIDGE: Yeah, I think well, why
9	believe Mike or I obta	-	9		don't we establish that, Walt.
10		m did you do the criminal history	10		BY MR. KELLY:
11	check in the sheriff's o		11	О	You can answer.
12	A I don't recall.		12	•	MR. MCCAMBRIDGE: As a foundation.
13	Q Was it sheriff's depart	tment personnel?	13		BY MR. KELLY:
14	A Yes.		14	0	You can answer.
15	Q Was it Mr. Beck?		15	•	If I may, which one am I answering?
16	A I don't recall.		16		BY MR. KELLY:
17		what did they examine to respond to		0	Your best recollection, whatever it may be,
18	your inquiry?	what are they enumber to respond to	18	~	general, precise, exact, specific, whatever
19		iminal history for us and that	19		your best recollection of what Brenda Petersen
20	was it.	initial motory for us and that	20		told you after you told her about Gregory Allen.
21	Q Was it an extensive h	uistory in your opinion?	21		MR. COVELLI: Objection to the form of the
22	A I don't recall the history	* ' *	22		question.
23	Q Tell me everything y	•	23	Α	Again, she knew about Gregory Allen. And that's
24	Petersen told you after		24		again, I don't recall what she said.
25	·	gory Allen from you.	25		BY MR. KELLY:
1	Pa	ge 92	1	0	Page 94
1	Pa A She may have, at a	ge 92 time, mentioned Mr. Allen. I don't		Q	Page 94 Okay. Well, let's try it this way, then. Did she
2	Pa A She may have, at a recall what she said j	ge 92 time, mentioned Mr. Allen. I don't precisely.	2	Q	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the
2	A She may have, at a recall what she said g	ge 92 time, mentioned Mr. Allen. I don't precisely. ecollection. I don't care whether	2	Q	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the beginning that Gregory Allen had been the person who
2 3 4	A She may have, at a recall what she said g Q Tell me your best re it's precise or not. I	ge 92 time, mentioned Mr. Allen. I don't precisely. ecollection. I don't care whether want to know your best	2 3 4	Q	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the beginning that Gregory Allen had been the person who assaulted Penny Beerntsen?
2 3 4 5	A She may have, at a recall what she said Q Tell me your best re it's precise or not. I recollection of what	ge 92 time, mentioned Mr. Allen. I don't precisely. ecollection. I don't care whether want to know your best she told you.	2 3 4 5	Q	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the beginning that Gregory Allen had been the person who assaulted Penny Beerntsen? MR. COVELLI: Objection to form.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A She may have, at a recall what she said of the process of the recollection of what A I don't recall exactly Q I'm not asking you best general recollection of you about Gregor what you had been in MR. COVELL answered. MR. MCCAM foundation beyon you know, and with BY MR. KELLY: Q You can answer. A And I don't recall we	ge 92 time, mentioned Mr. Allen. I don't orecisely. ecollection. I don't care whether want to know your best she told you. what she said. exactly. I'm asking you your tion of what Brenda Petersen ory Allen after you told her afformed by the crime lab. I.: Objection. Asked and BRIDGE: And I'll object to does he have a recollection, nat he's already testified.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A A	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the beginning that Gregory Allen had been the person who assaulted Penny Beerntsen? MR. COVELLI: Objection to form. BY MR. KELLY: You can answer. I don't recall those exact words being used. Okay. What do you recall were the words that she used in telling you what she believe about that? There may have been mention that they believed that Allen was the perpetrator. And who was the "they" that she was referring to? She mentioned just in conversation about herself. Well, you just said "they," right? Was she referring to herself and Beverly Badker? I am not sure. I am not sure. Like I said, she as I said, I don't recall the conversation.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A She may have, at a recall what she said of the process of the pr	ge 92 time, mentioned Mr. Allen. I don't orecisely. ecollection. I don't care whether want to know your best she told you. what she said. exactly. I'm asking you your tion of what Brenda Petersen ory Allen after you told her afformed by the crime lab. I.: Objection. Asked and BRIDGE: And I'll object to does he have a recollection, nat he's already testified.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A A	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the beginning that Gregory Allen had been the person who assaulted Penny Beerntsen? MR. COVELLI: Objection to form. BY MR. KELLY: You can answer. I don't recall those exact words being used. Okay. What do you recall were the words that she used in telling you what she believe about that? There may have been mention that they believed that Allen was the perpetrator. And who was the "they" that she was referring to? She mentioned just in conversation about herself. Well, you just said "they," right? Was she referring to herself and Beverly Badker? I am not sure. I am not sure. Like I said, she as I said, I don't recall the conversation. You were so disturbed about what you were told concerning the knowledge of Brenda Petersen and
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A She may have, at a recall what she said of the process of the pr	ge 92 time, mentioned Mr. Allen. I don't precisely. ecollection. I don't care whether want to know your best she told you. I what she said. exactly. I'm asking you your tion of what Brenda Petersen bry Allen after you told her afformed by the crime lab. II: Objection. Asked and BRIDGE: And I'll object to does he have a recollection, nat he's already testified. That she said precisely. that I'm asking you not what you what your best recollection is, uestion. The best recollection of what Brenda	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q	Page 94 Okay. Well, let's try it this way, then. Did she tell you that she had always believed from the beginning that Gregory Allen had been the person who assaulted Penny Beerntsen? MR. COVELLI: Objection to form. BY MR. KELLY: You can answer. I don't recall those exact words being used. Okay. What do you recall were the words that she used in telling you what she believe about that? There may have been mention that they believed that Allen was the perpetrator. And who was the "they" that she was referring to? She mentioned just in conversation about herself. Well, you just said "they," right? Was she referring to herself and Beverly Badker? I am not sure. I am not sure. Like I said, she as I said, I don't recall the conversation. You were so disturbed about what you were told concerning the knowledge of Brenda Petersen and Beverly Badker that you contacted the attorney general's office to ask them about that, right?

9 (Pages 95 to 98)

					9 (rages 95 to 96)
		Page 95			Page 97
1		from my recollection.	1		Jim Lenk had information that he had received.
2	Q	But what caused you to want the independent	2	Q	When you say the names that were mentioned,
3		investigation was what you had been told by Brenda	3		mentioned to whom?
4		Petersen, Beverly Badker, and perhaps others; is that	4	A	I don't recall if they talked to me specifically or
5		right?	5		someone else, and the information then came to me.
6	Α	No.	6	Q	And who would that someone else be?
7	Q	I'm going to ask you to take a moment and examine what	7	À	Again, I don't recall how the information got to me.
8	_	is Exhibit 5 in this proceeding. And I'm going to	8		It's either through another source or from them
9		direct your attention to the third full paragraph from	9		directly.
10		the bottom of the page, on Bates page 005614. Have	10	Q	So we know, if it was from them directly to you, then
11		you had a chance to examine that?	11		that's to you. But if it was through another source,
12	Α	Yes.	12		who would that other source be?
13	Q	May I have it, please? The paragraph that I directed	13	A	It may have been Ken Peterson, the sheriff.
14	_	your attention to, I'm going to read it into the	14		When did Ken Peterson speak with you, if he did, about
15		record. "Soon after the mistake became public	15		the Steven Avery case?
16		-	16	Α	In September of 2003.
17		current district attorney, Mark Rohrer, started	17	Q	On one occasion or more than one occasion?
18		receiving information that people within the	18	À	I don't recall the amount of occasions. At least one.
19		courthouse never believed these crimes were committed	19	Q	At least one. Did he initiate that contact with you
20		by Avery. These people all believed Allen committed	20		or did you initiate it with him?
21		the crime. Some of these individuals even stated to	21	Α	I'm not sure.
22		D.A. Rohrer they made these concerns known to either	22	Q	Okay. Where did it take place?
23		the district attorney at the time, Denis Vogel, or the	23	À	The sheriff's department.
24		Manitowoc County Sheriff, Tom Kocourek." First of	24	Q	Anyone else present?
25		all, did you tell that information to the attorney	25	À	I don't recall the individuals that were there.
		Page 96			Page 98
1		general's office?	1	Q	But there was more than just you and Sheriff Peterson?
2	٨	If Mr. Tinker said I did, I did.	2	A	· · ·
3		Well, what's your recollection of whether or not this	3	0	How many people more?
4	Q	is accurately reciting what you told the attorney	4	•	I don't recall the individuals who were there. It was
5		general's office?	5	А	just myself, Ken and others.
6	Δ	I did receive that information, yes.	6	0	
7	Q	. •	7	A	Yes.
8	A	•	8	Q	
9	0		9	_	Mike Griesbach may have been there.
10	V	sources?	10	Q	What were you guys told?
11		50 m 2 45 .		\sim	oro jou bujo toru.
	Δ	As the document points, employees in the office and	11	A	
	A	As the document points, employees in the office and others.	11 12	A	I don't recall what was told at that time, in that
12		others.	12		I don't recall what was told at that time, in that meeting.
		others. Who were they?	12 13	A Q	I don't recall what was told at that time, in that meeting. Tell me your best recollection of what was said
12 13 14	Q	others. Who were they? There were some people in the sheriff's department.	12 13 14	Q	I don't recall what was told at that time, in that meeting.
12 13 14 15	Q A	others. Who were they? There were some people in the sheriff's department. There was people in the office, in the D.A.'s office.	12 13 14 15	Q	I don't recall what was told at that time, in that meeting. Tell me your best recollection of what was said to you at the meeting. I don't recall.
12 13 14 15 16	Q A	others. Who were they? There were some people in the sheriff's department. There was people in the office, in the D.A.'s office. Okay. Let's start with the D.A.'s office. Who were	12 13 14 15 16	Q A Q	I don't recall what was told at that time, in that meeting. Tell me your best recollection of what was said to you at the meeting. I don't recall. What was the discussion about Andy Colburn?
12 13 14 15 16 17	Q A Q	others. Who were they? There were some people in the sheriff's department. There was people in the office, in the D.A.'s office. Okay. Let's start with the D.A.'s office. Who were the people in the D.A.'s office?	12 13 14 15 16 17	Q A Q	I don't recall what was told at that time, in that meeting. Tell me your best recollection of what was said to you at the meeting. I don't recall. What was the discussion about Andy Colburn? Nope, was not my recollection, we weren't
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10 (Pages 99 to 102)

					10 (Pages 99 to 102)
		Page 99			Page 101
1	Q	Okay. So what were you told at that meeting about	1	Α	No, I did not.
2		Andy Colburn and Jim Lenk?	2	Q	To your knowledge, did Mr. Griesbach?
3	A	I don't recall.	3	Α	
4	Q	You have no recollection at all?	4	Q	Was there a reason that you didn't keep any notes of
5	Α	I don't recall.	5		the meeting?
6	Q	What were you told at that meeting about what some	6	A	I just didn't.
7		one or more members of the sheriff's department	7	Q	In the conversations that you had with Ms. Petersen
8		believed about Gregory Allen?	8		and Ms. Badker, did you keep any notes of that?
9	A	I don't recall.	9	A	No, I did not.
10	Q	Was Gregory Allen brought up at the meeting?	10	Q	Do you recall whether before you went to Madison to
11	A		11		meet at the attorney general's office, Mr. Findley had
12		By whom?	12		made a public demand that there be an investigation of
13		I don't recall.	13		what had happened in the Steven Avery prosecution?
14		Did Ken Peterson talk about Gregory Allen?	14	A	He may have done that. I don't recall when he made
15		He may have.	15		that request.
16	Q	1 3	16	Q	7 3
17		From my recollection, yes.	17		went to Madison, the attorney general had made a
18	Q		18		statement that she could not conduct such an
19		Not that I am aware of. I didn't	19		investigation because she didn't have any statutory
20	Q	ε	20		authority to do so?
21 22		I don't know.	21		I don't recall that.
23	Q A		22 23	Q A	, , ,
24	A 0		24	А	There was a thought initially that there may be a potential conflict of interest that they couldn't do
25	Ų	been informed about Gregory Allen at the time of the	25		the investigation.
			25		Page 102
		Page 100		_	
1		Steven Avery prosecution?	1	Q	What was the conflict of interest that was perceived
2	A	I don't recall what he said about Tom Kocourek during	2		at the time?
3	0	that meeting.	3	Α	The attorney general's office had done the appellate
4	Q	You have no recollection? I do not recall what he said.	4 5	0	work on the original case.
5 6	A 0		6	Q	At a point in time, you made a formal request of the
7	Q	provided information by a man named Bergren who worked			attorney general's office to review the circumstances of the arrest and prosecution of Steven Avery; is that
8		for the City of Manitowoc Police Department at the	8		right?
9		time of the Steven Avery case?	9	Α	I did.
10	Α		10	O	I'll show you what's been marked as Exhibit 1. Is
11	Q		11	•	that the request?
12	À		12	Α	Yes.
13	Q		13	Q	That request was made after the meeting in Madison; is
14	A	_	14	-	that right?
15	Q	Was Mr. Colburn present?	15	A	I don't recall. I believe we had discussed them doing
	A		16		a review at the time of the meeting, and that it was
16	_	-	17		decided that they would be doing a review before we
16 17	Q		18		went down there. The reason why is we had to give a
16 17 18	A				
16 17 18 19		Other than the people that you've identified, do you	19		special prosecution basis for it, and I think that's
16 17 18 19 20	A Q	Other than the people that you've identified, do you know anybody else who was present?	19 20		what that is in there, 978.06.
16 17 18 19 20 21	A Q	Other than the people that you've identified, do you know anybody else who was present? As I said earlier, Mr. Griesbach may have been	19 20 21	Q	what that is in there, 978.06. So when you were in Madison, you talked about 978.06
16 17 18 19 20 21 22	A Q A	Other than the people that you've identified, do you know anybody else who was present? As I said earlier, Mr. Griesbach may have been present.	19 20 21 22	Ì	what that is in there, 978.06. So when you were in Madison, you talked about 978.06 as a basis for the request.
16 17 18 19 20 21 22 23	A Q A	Other than the people that you've identified, do you know anybody else who was present? As I said earlier, Mr. Griesbach may have been present. Other than him, anybody else that you recall?	19 20 21 22 23	A	what that is in there, 978.06. So when you were in Madison, you talked about 978.06 as a basis for the request. We had talked about them doing a review, and they
16 17 18 19 20 21 22	A Q A	Other than the people that you've identified, do you know anybody else who was present? As I said earlier, Mr. Griesbach may have been present. Other than him, anybody else that you recall? I don't recall.	19 20 21 22	A	what that is in there, 978.06. So when you were in Madison, you talked about 978.06 as a basis for the request.

11 (Pages 103 to 106)

_				II (Pages 103 to 106)
	Page 103			Page 105
1	Q They needed more than that, though. They needed	1	Α	That is correct.
2	a statutory basis, didn't they?	2	Q	
3	A Yep.	3		September 18th, 2003 correspondence, did you talk
4	Q And that was something that you discussed when	4		with any representative of the attorney general's
5	you were in Madison.	5		office about potential civil liability for
6	A I don't recall if that precise discussion took place.	6		Manitowoc County in connection with the
7	We had to do a request in writing, as I did.	7		prosecution and conviction of Steven Avery?
8	Q Well, in fact there had been a discussion about	8	A	I may have.
9	whether they could give you what you wanted,	9	Q	•
10	which is did they have the authority. There was	10	A	-
11	an issue about whether or not they had the	11	Q	· ·
12	authority to conduct the kind of investigation	12	A	Not that I recall, no.
13	that you wanted.	13	Q	
14	A Correct. They had to be made, in essence, a special	14	A	I may have. I don't recall.
15	prosecution of the case.	15	Q	All right. Before you went up to Madison with Mr.
16	Q Right. So that was the strategy that you and they	16	-	Griesbach, did you have any discussions with Mr.
17	agreed upon that led to the creation of Exhibit No. 1?	17		Rollins about potential civil liability for Manitowoc
18	A I wouldn't call it strategy. It's something that had	18		County in connection with the prosecution and
19	to be done.	19		conviction of Steven Avery?
20	Q Well, in order to get the investigation done, the two	20	A	I may have, yes.
21	of you had to agree that there was a statutory basis	21	Q	,
22	for it, right?	22	A	
23	A I had to make the request, yes.	23		potential thing that we saw that could potentially
24	Q Well, but the suggestion that you make the request was			happen here.
25	made by the attorney general's office to you, not vice	25	Q	And was it a part of your discussion that in
	Page 104			Page 106
1	versa. They said to you, "Okay. We need a basis.	1		order to deal with the issue of potential civil
2	Here's the basis." You then wrote the letter.	2		liability you would ask to have an investigation
3	A That may have taken place, yes.	3		done by the attorney general?
4	Q Okay. And then they responded to the letter in	4	A	I don't recall if I told that to Mr. Rollins. I may
5	Exhibit 2; is that right?	5		have.
6	A May I review it, please?	6	_	Okay. In fact he may have suggested it to you.
7	Q Sure.	7		No, that was my decision. I made that on my own.
8	A Okay. I have reviewed Exhibit 2.	8	Q	
9	Q Okay. So that was their response to your request; is	9	A	No one made that suggestion but me.
10	that right?	10	Q	Okay.
11	A Yep.	11	A	You were fearful of the potential liability of
12 13	Q All right. A Yes.	12		Manitowoc County in respect to what had happened to
14	Q Now, you are represented here today by Mr. McCambridge	13 14		Mr. Avery? I was not fearful of it.
15	from the attorney general's office; is that right?	15	Q	No, you were concerned about it.
16	A Yes, I am.	16	Q A	I wasn't concerned about it.
17	Q And is the reason for that representation that you are	17	Q	You didn't care about it.
18	a state employee?	18	A	
19	A Yes.	19	4 1	situation to worry about. My job was to preserve the
20	Q All right. And you are not represented by any of the	20		integrity of the file and my office.
21	other lawyers who are here who represent parties in	21		Well, your job went beyond that in your own mind
22	the litigation; is that right?	22		because you asked for this investigation to be done,
23	A That is correct.	23		right?
24	Q Okay. And you're not represented by the corporation	24		That's part of the integrity of my office, so I don't
25	counsel for Manitowoc County; is that correct?	25		think it is going beyond that.

					12 (Pages 107 to 110)
		Page 107			Page 109
1	Q	So you were concerned about the integrity of your	1		Okay. Let me show you what's been marked as
2		office.	2		Exhibit 124. Take a moment, if you would, and
3	A	To have an independent investigation done.	3		examine that.
4	Q	5 2 3 3	4	A	I'm familiar with the document.
5		were concerned about?	5	Q	Okay. Who's Douglass Jones?
6	A	I just wanted an independent review.	6	A	j j
7	Q	Okay.	7	Q	All right. What is this memo, to your understanding?
8	A	That's all.	8	A	1
9	Q	Had Mr. Griesbach expressed any opinion to you about	9		with Gene Kusche about the case.
10		the behavior of Mr. Vogel at the time you made the	10	Q	, ,
11		request of the attorney general?	11		letter to the attorney general is dated, September
12	A	He had prepared a memo about a conversation he had	12		18th. Do you see that?
13		with Mr. Vogel. I don't recall its contents.	13		Yes, I do.
14	Q	23	14		Do you recall whether or not Mr. Jones provided this
15		he talked with you at all about any concerns that he	15		memo to you before or after you wrote the letter to
16		personally had about how Vogel had handled the case.	16		the attorney general?
17		I don't recall those conversations.	17		I don't recall.
18	Q	Did they take place at all?	18		Okay. In this memo, Mr. Jones says that in talking
19		MR. COVELLI: Asked and answered.	19		with Gene Kusche, Kusche told Jones that in '95 or '96
20	А	I don't recall what was said.	20 21		Colburn had told Kocourek that an officer from Brown
21	0	BY MR. KELLY:	22		County had told Colburn that Greg Allen and not Steven
23	Q		23		Avery may have actually committed the Beerntsen
24	A Q	3 , 3	24		assault. Do you see that? The language that you're reading from is about "might
25	Ų	to be precise or exact, of what Mike Griesbach said to	25		have actually committed the Beerntsen assault." Is
		Page 108			Page 110
1		-	1		
1 2		you about that.	1	0	that the reference you're making?
3		MR. COVELLI: Objection. No foundation. Form of question.	2	Q	I'm starting on the sentence Let's read it into the record. "He then told me" and the
4	Λ	I don't recall what Mike said during that conversation	4		"he" refers to Gene Kusche. "He then told me
5	А	other than he had a telephone conversation with Vogel.	5		that in '95 or '96, Andy Colburn had told Tom
6		That's all I remember at this time.	6		Kocourek, former Manitowoc County sheriff, that
7		BY MR. KELLY:	7		an officer from Brown County had told Colburn
8	Q	He was upset about the conversation with Vogel, wasn't	8		that Allen and not Avery might have actually
9	~	he?	9		committed the Beerntsen assault. Gene stated
10	Α	I don't recall if he was upset or not.	10		that Colburn was told by Kocourek something to
11	Q	He didn't like what Vogel was doing and he told you	11		the effect that we already have the right guy and
12	`	that; is that right?	12		he should not concern himself." So this is
13	Α	I don't recall him saying that, no.	13		information that's being provided to you on
14	Q		14		September 18th by Doug Jones, right?
15		went to see the attorney general's office?	15	A	
16	Α	I believe Mike may have done that.	16	Q	Did you provide this information to the attorney
17	Q	Did he report to you on the conversation he had had	17		general's office?
18		with Ms. Geske?	18	Α	5
19	A	3	19	Q	
20	Q	What did he tell you?	20	Α	
21	A	I don't recall.	21	Q	,
22	Q	Do you recall anything about what he told you	22		Madison.
23		concerning that?	23	A	
24	A	No, not at this time.	24	Q	
25		(Exhibit 124 identified)	25	A	I'd have to look at the record to see when we went.

13 (Pages 111 to 114)

					_
		Page 111			Page 113
1	Q	Exhibit No. 1, September 18th is when you write the	1		conversation
2		letter following the decision that's made about the	2		MR. MCCAMBRIDGE: Let's we can be
3		statutory basis that you're going to seek for the	3		courteous.
4		investigation.	4		MR. KELLY: Okay. All right. You're right.
5	Α	Again, I apologize. I do not know whether or not this	5	Α	We turned over
6		was done at the same time that we met with the	6		MR. KELLY: I apologize. I withdraw that
7		attorney general or before. I don't have the precise	7		question. Let me ask it another way.
8		date in mind when we met with the attorney general.	8	Q	You've told us on that day, that you met with the
9		It was around this time.	9		attorney general.
10	Q	Okay. So you're telling me you don't remember whether	10	A	And I don't recall the date that I met with the
11		or not you had the information in Exhibit 124 when you	11		attorney general.
12		went to Madison?	12		MR. MCCAMBRIDGE: The question is if you
13	Α	My recollection is that I believe I did, but I'm not	13		would really listen to the question.
14		certain.	14		WITNESS: I'm sorry.
15	Q	And you're saying you told that information to the	15		MR. MCCAMBRIDGE: You've told us you met
16		attorney general's office?	16		with the attorney general, yes or no.
17	Α	We passed everything we had obtained to the attorney	17	Α	Yes.
18		general's office.	18		BY MR. KELLY:
19	Q	Okay. Well, neither this memo nor anything about	19	О	Okay. Did you personally provide the information in
20		Colburn and Lenk is in any of the records that were	20		Exhibit 124 that we're talking about here, that I've
21		provided to the attorney general's office. I can tell	21		read into the record, to the attorney general?
22		you that. Does that give you any concern about	22	Α	To my recollection, I could be wrong, I believe we
23		whether or not you provided this information, that is	23		turned over this was contained within the materials
24		to say the information in Exhibit 124, to the attorney	24		we turned over to the attorney general. We turned
25		general's office?	25		over the entire file, as I stated earlier.
			_		· · · · · · · · · · · · · · · · · · ·
		Page 112			Page 114
1	٨	Page 112	1	0	Page 114
1 2	A	And, again, it's my recollection that we did do that,	1	Q	Okay.
2	A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this	2	Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The
2		And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time.	2	Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not
2 3 4	A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you	2 3 4	Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I
2 3 4 5	Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right?	2 3 4 5	Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this
2 3 4 5 6	Q A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what?	2 3 4 5 6	Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no
2 3 4 5 6 7	Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say	2 3 4 5 6 7		Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever.
2 3 4 5 6 7 8	Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we."	2 3 4 5 6 7 8		Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I
2 3 4 5 6 7 8	Q A Q A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right.	2 3 4 5 6 7 8		Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did.
2 3 4 5 6 7 8 9	Q A Q A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right?	2 3 4 5 6 7 8 9	Α	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY:
2 3 4 5 6 7 8 9 10	Q A Q A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct.	2 3 4 5 6 7 8 9 10		Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did
2 3 4 5 6 7 8 9 10 11	Q A Q A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with	2 3 4 5 6 7 8 9 10 11 12	A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her?
2 3 4 5 6 7 8 9 10 11 12	Q A Q A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office,	2 3 4 5 6 7 8 9 10 11 12 13	A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't
2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right?	2 3 4 5 6 7 8 9 10 11 12 13 14	A Q A	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q A Q A Q A A	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney general's office, either you did it or Mike Griesbach did it, in your best recollection. From my recollection, I believe that's what was done.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A A	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir. BY MR. KELLY: Do you have any belief, as you sit here today, as to whether or not you or Mike Griesbach at any point in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney general's office, either you did it or Mike Griesbach did it, in your best recollection. From my recollection, I believe that's what was done. I'm not certain. But, again, I just have a vague	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A A	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir. BY MR. KELLY: Do you have any belief, as you sit here today, as to whether or not you or Mike Griesbach at any point in time turned over Exhibit 124 to any representative of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney general's office, either you did it or Mike Griesbach did it, in your best recollection. From my recollection, I believe that's what was done. I'm not certain. But, again, I just have a vague recollection that that was done.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir. BY MR. KELLY: Do you have any belief, as you sit here today, as to whether or not you or Mike Griesbach at any point in time turned over Exhibit 124 to any representative of the attorney general's office?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney general's office, either you did it or Mike Griesbach did it, in your best recollection. From my recollection, I believe that's what was done. I'm not certain. But, again, I just have a vague recollection that that was done. Did you personally give that information to Peg	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir. BY MR. KELLY: Do you have any belief, as you sit here today, as to whether or not you or Mike Griesbach at any point in time turned over Exhibit 124 to any representative of the attorney general's office? I believe we had done so, but I'm not certain.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney general's office, either you did it or Mike Griesbach did it, in your best recollection. From my recollection, I believe that's what was done. I'm not certain. But, again, I just have a vague recollection that that was done. Did you personally give that information to Peg Lautenschlager?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir. BY MR. KELLY: Do you have any belief, as you sit here today, as to whether or not you or Mike Griesbach at any point in time turned over Exhibit 124 to any representative of the attorney general's office? I believe we had done so, but I'm not certain. Okay. Apart from the document, do you have any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q	And, again, it's my recollection that we did do that, and I don't know for sure, but my recollection at this time. Well, there's only two people in the "we," it's you and Mike Griesbach, right? In the what? In the "we" that you're talking about when you say "we." Right. Nobody else went to Madison, right? That's correct. Okay. And when you and Mike were there you met with certain people in the attorney general's office, you've told us about that, right? Correct. So if this information was provided to the attorney general's office, either you did it or Mike Griesbach did it, in your best recollection. From my recollection, I believe that's what was done. I'm not certain. But, again, I just have a vague recollection that that was done. Did you personally give that information to Peg	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A A Q	Okay. MR. MCCAMBRIDGE: Let me try to help. The question was did you give this information, not this document, did you give this if I understand your question, did you give this information to the attorney general. Yes or no or you don't know. I mean, whatever. I don't know. I'm saying from my recollection, I believe I did. BY MR. KELLY: Okay. And did you give it to her in oral form or did you turn this document, Exhibit 124, over to her? I don't MR. COVELLI: Object to form. I don't recall if it was oral or as the whole file, sir. BY MR. KELLY: Do you have any belief, as you sit here today, as to whether or not you or Mike Griesbach at any point in time turned over Exhibit 124 to any representative of the attorney general's office? I believe we had done so, but I'm not certain.

14 (Pages 115 to 118)

	- 115	Page 117			
	Page 115	Page 117			
1	the information that's contained in Exhibit 124 that	1	Q	Okay. And what's it do to your recollection about it	
2	we've read into the record about what Kusche found out	2		being in December?	
3	about Colburn and Lenk?	3	A	It's dated December of 2003.	
4	A Again, we may have.	4	Q	Okay.	
5	Q But you don't recall.	5	Α	I recognize the report.	
6	A I don't recall. I don't recall but we may have.	6	Q	All right. At any time between when you first heard	
7	Q When you received this information from Douglass Jones	7		from the woman at the crime lab and when you received	
8	on September 18th that's set forth in Exhibit 124	8		Exhibit No. 6, the report, did you have any discussion	
9	A Yes?	9		with Jim Fitzgerald about the Steven Avery matter?	
10	Qwas it disturbing to you that the information	10	A	No.	
11	reported that Kocourek said something to the effect	11	Q	Again during that same period of time now, we're	
12	that we already have the right guy and he should not	12		talking between September 3 and December 17th, did you	
13	concern himself?	13		talk with Denis Vogel?	
14	A I didn't have an opinion about whether or not it was	14	A	No.	
15	disturbing or not to me.	15	Q	At any time during that period of time, did you talk	
16	Q Had you received at that time, from any other source,	16		with Tom Kocourek?	
17		17	A	Yes.	
18	generally with regard to any other suspect in the	18	Q	On how many occasions?	
19	Steven Avery case: that he had the right guy, don't	19	Α	I do not know.	
20	concern yourself about anybody else? Had you received	20	Q	More than one?	
21	that information from any other source than this	21	A	I do not know.	
22	Exhibit 124 at the time that you received this Exhibit	22	Q	At least one?	
23	124?	23	Α	Yes.	
24	A I don't recall.	24	Q	Where was the one that you recall?	
25	Q In the meeting that took place in Ken Peterson's	25	A	I don't recall.	
	Page 116			Page 118	
1	office at the sheriff's department, had anybody	1	Q	How long did it last?	
2	provided any information of that kind to you?	2	À	Less than an hour.	
3	A Of what kind, please?	3	Q	Who was present?	
4	Q Of the kind that when Sheriff Kocourek was provided	4	_	I don't recall.	
5	information about Gregory Allen or some other suspect	5	Q	Well, it was at least you and Kocourek, right?	
6	in the Penny Beerntsen sexual assault, he was taking	6	À	•	
7	the position don't worry about it, we've got the right	7	Q	Okay. Was there anyone else present?	
8	guy.	8	_	I don't recall.	
9	A Did anyone say that during the meeting? Is that your	9	Q	Was Mike Griesbach present?	
10		10	À	I don't recall.	
11	•	11	Q	What was the occasion for that conversation with	
12	-	12	_	Kocourek? How did it come about, how did the meeting	
13		13		come about?	
14		14	A	I don't recall.	
15		15	Q	Was it initiated by you?	
16		16	À	I don't recall.	
17	BY MR. KELLY:	17	Q	Was it initiated by Mr. Kocourek?	
18	Q Mr. Rohrer, in response to the formal request that you	18	A	I don't recall.	
19		19	Q	Did you talk about the Steven Avery case?	
20	was ultimately a report issued in December by the	20	A	Yes.	
21	attorney general's office?	21	Q	Tell me everything you recall that you talked about	
22	, ,	22		with him.	
23		23	A	I don't recall what was said.	
24	Q I'll show you Exhibit 6.	24	Q	You recall nothing of the meeting?	
25	A Okay. I do recognize Exhibit 6, sir.	25	A	I recall that a meeting took place, we discussed	

15 (Pages 119 to 122)

Page 119 Steven Avery. I don't recall. Q Did you discuss Gregory Allen? A May have. Q Did you discuss Tom Bergner? A I don't recall. Q Did you discuss Tom Bergner? A I don't recall. Q Did you discuss what you had been told at the meeting with Ken Peterson? A I don't recall. Page 12 A I don't recall precisely what it is to said it, I'd had him. Q And part of the concern a information concerning Gregory and information con	hat I said, but if Mr. nave no reason to doubt
2 Q Did you discuss Gregory Allen? 3 A May have. 4 Q Did you discuss Tom Bergner? 5 A I don't recall. 6 Q Did you discuss what you had been told at the meeting with Ken Peterson? 7 Tinker stated I said it, I'd had him. 7 Q And part of the concern a information concerning Graph properly in the prosecution time, that is to say at the time.	nave no reason to doubt
3 him. 4 Q Did you discuss Tom Bergner? 4 Q And part of the concern a 5 A I don't recall. 5 information concerning Gr 6 Q Did you discuss what you had been told at the meeting with Ken Peterson? 6 properly in the prosecution 7 time, that is to say at the time.	
4 Q Did you discuss Tom Bergner? 5 A I don't recall. 6 Q Did you discuss what you had been told at the meeting 7 with Ken Peterson? 4 Q And part of the concern a 5 information concerning Gr 6 properly in the prosecution 7 time, that is to say at the time.	shout whether or not the
5 A I don't recall. 5 information concerning Gr 6 Q Did you discuss what you had been told at the meeting 7 with Ken Peterson? 5 information concerning Gr 7 time, that is to say at the time	shout whether or not the
6 Q Did you discuss what you had been told at the meeting 7 with Ken Peterson? 6 properly in the prosecution 7 time, that is to say at the time.	toout whether of not the
6 Q Did you discuss what you had been told at the meeting 7 with Ken Peterson? 6 properly in the prosecution 7 time, that is to say at the time.	regory Allen was handled
1,	n to your knowledge at that
	me of your meeting at
9 Q Did you discuss what Brenda Petersen and Beverly 9 of former Sheriff Kocoure	k; is that right?
	orm. Form of the question.
11 A I don't recall. 11 A If you could repeat the qu	-
12 Q Did you make any notes of your meeting with Kocourek? 12 BY MR. KELLY:	
	rn when you went and talked
	s whether or not Kocourek
	respect to the investigation
	cerning Gregory Allen was
going on at the time by the Department of Justice 17 involved.	
concerning Mr. Kocourek's behavior, right? 18 MR. MURRAY: Sa	ame objection.
19 A I don't recall when I had the meeting with Mr. 19 A Again, I just wanted to m	2
20 Kocourek as it related to the investigation. 20 review was done on the fil	_
21 Q Well, we've already discussed the fact that it 21 was handled properly was	
took place sometime between when you received the 22 BY MR. KELLY:	,
information from the crime lab and when the 23 Q By the sheriff as well as b	by the district attorney's
24 report was issued, right? 24 office, right?	j j
25 A Correct. 25 A In the entire case as a who	ole, yes.
Page 120 Page 12	22
1 Q So are you saying that your conversation with Kocourek 1 Q Okay. And what I'm trying	g to get here is you've told
took place sometime between September 3 and September 2 us you have an hour-long co	
3 18th? 3 Kocourek.	onversation with Sherri
4 A That's possible, yes. 4 A I believe I said less than ar	n hour if I recall my
5 Q Okay. So that would be a period of time in which you 5 answer to your question, sir	•
6 were talking with Mr. Tinker about your concerns 6 Q Okay. Can you fix the app	
7 respecting the Steven Avery prosecution, right? 7 A I cannot.	period of time.
8 A Concerns with information I received in regard to the 8 Q And at the time that you ta	alked to Kocourek, you were
9 Steven Avery prosecution. 9 an experienced criminal law	
10 Q Well 10 A Yes.	.),8
`	otes of your conversation with
12 Q Exhibit No. 5 that we've already discussed, I'm going 12 Kocourek.	,
	ject as argumentative.
paragraph we read earlier. It says, "D.A. Rohrer 14 BY MR. KELLY:	
expressed his concerns about these allegations to the 15 Q Is that right?	
attorney general's office and requested an independent 16 A I stated earlier I did not ma	ake notes, no.
review. The focus of this review would be to 17 Q Okay. Can you tell me wh	-
determine if Allen was ever a suspect in this 18 A I just didn't make notes.	•
investigation and, if so, was this information turned 19 MR. COVELLI: Ask	ced and answered.
over to the defense attorneys as part of the discovery 20 BY MR. KELLY:	
procedure." Okay? So that is something that you told 21 Q Well, I know you just didn	n't make notes, but I'm
the attorney general's office that you wanted. 22 asking you what your state of a state of a sking you what your state of a sking you what you want you what you want you wan	of mind was at the time as
23 MR. COVELLI: Objection to form. 23 to why you did not make no	otes.
24 BY MR. KELLY: 24 A I just didn't make the notes	S.
25 Q Is that right? 25 Q When you went to the attor	rney general's office and

16 (Pages 12<u>3</u> to 126)

1 2 3 4	David 100				Page 125			
2 3 4		Page 123			Page 125			
3 4		talked to them about the case, did you tell the	1 received from Thomas Bergner concerning another					
4		representatives of the attorney general's office about	2		possible assailant than Steven Avery at a period of			
		the conversation that you had had with Kocourek?	3		time between when she was attacked and when the trial			
_	A	I don't recall.	4		began?			
5	0	Did you tell the representatives of the attorney	5	A	I don't recall.			
6		general's office about the conversations that you had	6	O				
7		had with Sheriff Peterson?	7	`	had received at home from a City of Manitowoc police			
8	Α	I don't recall.	8		officer raising the question of whether or not Steven			
9	0		9		Avery was the proper defendant in the case?			
10	~	call from the representative of the crime laboratory	10	Α	I don't recall that.			
11		and December 17th when the report was published by the	11	0	Do you have any recollection of anything she told you?			
12		attorney general, did you talk to Mrs. Beerntsen?	12	•	As I stated earlier, she was pleased with how I was			
13	Δ	Yes.	13	11	handling the case and complimented me on that.			
14	Q		14	Q				
15	A		15	_	Well, she was upset with the fact that Steven Avery			
16	O		16	А	was convicted.			
17	A		17	Q				
18	Q		18	•	I don't recall.			
19	A		19	0				
20	Q	Between September 3rd and December 17th of 2003.	20	Ų	the sheriff conducted himself?			
21	A	I don't recall if it was on the phone or in person.	21	٨	I don't recall.			
22		Who initiated the contact?	22					
23	Q	I don't recall.	23	Ų	Is there anything further you recall of the conversation with Mrs. Beerntsen?			
24			24	٨				
25	Q	What was the reason for the contact?		A				
25	A	I don't recall.	25	Q	What was it that you did that she was so pleased with?			
		Page 124	Page 126					
1	Q	What did Mrs. Beerntsen say to you?	1		MR. MURRAY: Foundation. If you know.			
2	Α	I don't recall. She was pleased with how I was	2		BY MR. KELLY:			
3		handling the case. That I do recall.	3	Q	As she expressed it to you.			
4	Q	What did you say to her?	4	A	Well, how professionally we handled the situation, how			
5	A	I don't recall.	5		quickly we moved on the situation, how thorough we			
6	Q	Did she tell you anything about how disturbed she	6		were with the situation. She was very pleased with			
7		was that it turned out that it was Gregory Allen	7		that.			
8		who had attacked her?	8	Q	Well, you didn't do anything, did you? You just			
9		MR. BASCOM: I'm going to object to the form	9		asked the attorney general to conduct an			
10		of that question.	10		investigation.			
⊥ ∪	A	I don't recall that being said.	11		MR. MCCAMBRIDGE: Objection.			
11		BY MR. KELLY:	12		MR. MURRAY: Argumentative.			
	Q	Did she tell you anything about the contact that she	13		MR. MCCAMBRIDGE: That's a little snotty.			
11	_	had received from Thomas Bergner at the time of the	14		MR. KELLY: Moi?			
11 12		© .		_				
11 12 13		events in question after she had been attacked and	15	Q	What was it about your behavior that she liked?			
11 12 13 14 15		events in question after she had been attacked and before the actual trial?	15 16	Q	•			
11 12 13 14		before the actual trial?		Q	What was it about your behavior that she liked? MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and			
11 12 13 14 15 16		before the actual trial? MR. BASCOM: Objection to the form.	16	Q	MR. COVELLI: Asked and answered.			
11 12 13 14 15 16 17		before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes	16 17		MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer.			
11 12 13 14 15 16 17 18		before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes facts not in evidence.	16 17 18 19	A	MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer. I already answered that question. I said that she was			
11 12 13 14 15 16 17	0	before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes facts not in evidence. BY MR. KELLY:	16 17 18	A	MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer. I already answered that question. I said that she was pleased with how we handled ourselves with the			
11 12 13 14 15 16 17 18 19 20 21	Q A	before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes facts not in evidence. BY MR. KELLY: You can answer.	16 17 18 19 20 21	A	MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer. I already answered that question. I said that she was pleased with how we handled ourselves with the situation, how professional			
11 12 13 14 15 16 17 18 19 20 21 22	Q A	before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes facts not in evidence. BY MR. KELLY: You can answer. I apologize. Because of the objections, may I have	16 17 18 19 20	A	MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer. I already answered that question. I said that she was pleased with how we handled ourselves with the situation, how professional BY MR. KELLY:			
11 12 13 14 15 16 17 18 19 20 21 22 23	À	before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes facts not in evidence. BY MR. KELLY: You can answer. I apologize. Because of the objections, may I have the question repeated back?	16 17 18 19 20 21 22 23	A	MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer. I already answered that question. I said that she was pleased with how we handled ourselves with the situation, how professional BY MR. KELLY: Who's we?			
11 12 13 14 15 16 17 18 19 20 21 22		before the actual trial? MR. BASCOM: Objection to the form. MR. POLLEN: I object also. It assumes facts not in evidence. BY MR. KELLY: You can answer. I apologize. Because of the objections, may I have the question repeated back?	16 17 18 19 20 21 22 23	A	MR. COVELLI: Asked and answered. MR. MURRAY: Foundation. Go ahead and answer. I already answered that question. I said that she was pleased with how we handled ourselves with the situation, how professional BY MR. KELLY:			

17 (Pages 127 to 130)

			17 (Fages 127 to 130)			
		Page 127			Page 129	
1		in the course of your discussions with Kocourek,	1		Kingsbury.	
2		Peterson or any other representatives of the sheriff's	2	Q	And did this take place after the meeting that you had	
3		department?	3		at Ken Peterson's office?	
4	A	I don't recall.	4	A	I don't recall.	
5	Q	At any time between September 3rd when you received	5	Q	What prompted you or Mike Griesbach to call for this	
6		the information that you did from the crime lab and	6		meeting?	
7		December 17th, did you have any discussions with any	7	A	To discuss the case.	
8		representatives of the City of Manitowoc?	8	Q	č j	
9	A	Yes.	9	A	He mentioned Gregory Allen's name, that they were	
10	Q	With whom?	10		doing surveillance on him at the time that this	
11	A	Perry Kingsbury, Tom Bergner.	11		incident took place.	
12	Q	Did you meet them together or separately?	12	Q	Anything further?	
13	A	My recollection is they were together.	13	A	That's all I recall at this time.	
14	Q	Where did the meeting take place?	14	Q	Did he tell you that he had talked to Tom Kocourek	
15	A	City of Manitowoc Police Department.	15		about the surveillance that they had been doing of	
16	Q	Did it take place before you went to the attorney	16		Greg Allen?	
17		general's office or after?	17	A	I don't recall.	
18	A	I don't recall.	18	Q	Did he provide to you any of the documents from the	
19	Q	Do you recall whether the information that you	19		investigation of Gregory Allen that they had been	
20		received in the meeting that you had with those people	20		conducting at the time?	
21		was information that you provided to the attorney	21	A	I don't recall.	
22		general's office?	22	Q	3	
23	A	Myself or Mr. Griesbach?	23		information to Perry Kingsbury about the investigation	
24	Q	Mr. Griesbach was at the meeting as well?	24		that was being conducted of Gregory Allen at the time	
25	A	Yes.	25		that Penny Beerntsen was assaulted?	
		Page 128			Page 130	
1	Q	Was there anyone else at the meeting?	1	Α	I recall a file being present during the meeting.	
2	_	From my recollection, I don't recall other than those	2		That was discussed.	
3		four people.	3	Q	Did Kingsbury say anything to you at the meeting about	
4	Q		4		what his reaction had been when Bergner produced that	
5	A		5		file and gave it to him?	
6	Q	What was the occasion for the meeting? How did it	6	A	I don't recall.	
7		come about?	7	Q	Do you remember anything being said where Kingsbury	
8	A	I don't recall.	8		said, "Hey, I don't want it," anything like that?	
9	Q	Did you ask for the meeting or did they volunteer to	9	A		
10		meet with you?	10	Q	Did you ask to see the file?	
11	A	I asked for the meeting.	11	Α	I don't recall.	
12	Q	And why did you ask for the meeting?	12	Q	Did you in fact see the file?	
13	A	To discuss the case.	13	A	I don't recall.	
14	Q	Well, why discuss the case as to them? What knowledge	14	Q	Did you see any of the investigatory reports that	
15		did you have that caused you to want to meet with	15		were made concerning Gregory Allen for the period	
16		Perry Kingsbury and Tom Bergner?	16		of time between January of 1985 and August 2nd of	
17	A		17		1985 by members of the City of Manitowoc Police	
18	Q	E	18		Department?	
19		time that you called for that meeting?	19	A		
20	A	I don't recall.	20	Q		
21	Q	Well, how did you select him to be involved in the	21		that meeting?	
22		meeting?	22	A	J I	
23	A	3	23	Q	2 1	
24	Q	•	24		specifically under surveillance for the period of time	
25	Α	I believe myself or Mike Griesbach contacted Perry	25		between the 14th of July and the 2nd of August 1985	

18 (Pages 131 to 134)

because they perceived him to be extremely dangerous with respect to sexual violence? MR. COVELLI: Objection. Form. A I don't recall. BY MR. KELLY: Q Anything further that you recall of the conversation between you, Griesbach, Kingsbury and Bergner at that meeting? A I think they may have had a code name for Allen at that time that was brought up, but I don't recall the code name. Q The Sandman? A Il don't recall. Q Does that ring a bell at all? A All I know is there was a code name they had for him. Q Does that ring a bell at all? A No. I did not. Q Did you make any memorandum concerning that meeting? A I don't know. Did you discuss with Mr. Griesbach about whether or not you should be making a memorandum? A No. Q Did you provide the information from the meeting. Page 133 Page 133 A In person. Q One or more than one? One or more than one? A More than one. A More than one. A Idon't recall. A Il don't recall. B A Idon't recall. A Il don't recall. A Il don't recall. Was the information that you had receif from Bergner and Kingsbury discussed with Judge Hazelwood? That I received? Well, that you and Griesbach received when you with him. A I don't recall. Was the fact that Bergner and the Manitowoc Cit Department had been surveilling Gregory Allen information that you discussed with Judge Hazelwood about the Steven case? A Idon't know. Did you discuss with Mr. Griesbach about whether or not you should be making a memorandum? A I don't know. Page 132 Page 134 Whatever it was, to the attorney general's office? A I don't recall. A I don't recall. A I don't recall. A We let him know about the results of the DNA. Vain know that we reviewed the file and it was our intention to dismiss the case. That's what I recall. C So this would be the first meeting with Judge the formal papers concerning the dismissal? A Yes. A Hill know is there was, to the attorney general's office? A Hill know is there was a code name they had for him. C What do you recall of the discussion between yo	ved
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22 Q Did you discuss with Mr. Griesbach about whether or not you should be making a memorandum? 23 him know that we reviewed the file and it was our intention to dismiss the case. That's what I recall. 25 Q Did you provide the information from the meeting, Page 132 Page 134 Whatever it was, to the attorney general's office? A I don't recall. Q After that meeting, did you have any discussions with Jim Wyss about the Steven Avery prosecution? A No. Hazelwood that took place before you actually file the formal papers concerning the dismissal? A Yes. Q And that dismissal, I can tell you, took place on the first meeting of 2003, okay? Is that all right's how. A If that's the date if I saw the document, I would hear no reason to doubt you B Q To your knowledge, has Mr. Rollins? A I don't know. A We let him know about the results of the DNA. Which is the dismissal of the DNA. Which is the case. That's what I recall. A We let him know about the results of the DNA. Which is the dismissal intention to dismiss the case. That's what I recall. A We let him know about the results of the DNA. Which is the dismissal intention to dismiss the case. That's what I recall. A No. Page 134 Hazelwood that took place before you actually file the formal papers concerning the dismissal? A Yes. A No. A No. A No. A No. A No. A If that's the date if I saw the document, I would hear no reason to doubt you B Q Okay. A I don't know.	ivery
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24 A No. 25 Q Did you provide the information from the meeting, Page 132 Page 134 1 whatever it was, to the attorney general's office? 2 A I don't recall. 3 Q After that meeting, did you have any discussions with Jim Wyss about the Steven Avery prosecution? 4 No. 5 A No. 6 Q Have you to this day had any such discussions? 7 A No. 8 Q To your knowledge, has Mr. Rollins? 9 A I don't know. 24 intention to dismiss the case. That's what I recall. 25 Q So this would be the first meeting with Judge Page 134 Hazelwood that took place before you actually file the formal papers concerning the dismissal? 3 A Yes. 4 Q And that dismissal, I can tell you, took place on the formal papers concerning the dismissal? 4 Q And that dismissal, I can tell you, took place on the formal papers concerning the dismissal? 5 A No. 6 Q Have you to this day had any such discussions? 7 A No. 8 Q To your knowledge, has Mr. Rollins? 9 A I don't know. 9 A if that's what you say it is.	'C ICI
25 Q Did you provide the information from the meeting, Page 132 Page 134 Whatever it was, to the attorney general's office? A I don't recall. Q After that meeting, did you have any discussions with Jim Wyss about the Steven Avery prosecution? A No. Q Have you to this day had any such discussions? A No. Q To your knowledge, has Mr. Rollins? A I don't know. Q So this would be the first meeting with Judge Page 134 Hazelwood that took place before you actually file the formal papers concerning the dismissal? A Yes. Q And that dismissal, I can tell you, took place on the first meeting with Judge Page 134 Hazelwood that took place before you actually file the formal papers concerning the dismissal? A Yes. A I Oth of September of 2003, okay? Is that all right's A If that's the date if I saw the document, I would he no reason to doubt you R Q Okay. A if that's what you say it is.	
Page 132 Page 134 whatever it was, to the attorney general's office? A I don't recall. Q After that meeting, did you have any discussions with Jim Wyss about the Steven Avery prosecution? A No. Q Have you to this day had any such discussions? A No. Q To your knowledge, has Mr. Rollins? A I don't recall. Page 134 Hazelwood that took place before you actually file the formal papers concerning the dismissal? A Yes. Q And that dismissal, I can tell you, took place on the formal papers concerning the dismissal? A Yes. I Oth of September of 2003, okay? Is that all right? A If that's the date if I saw the document, I would have no reason to doubt you R Q Okay. A I don't know. Page 134 Hazelwood that took place before you actually file the formal papers concerning the dismissal? A Yes. A Yes. A Ves. O And that dismissal, I can tell you, took place on the formal papers concerning the dismissal? A Yes. O And that dismissal, I can tell you, took place on the formal papers concerning the dismissal? A Yes. O Okay. A I don't know.	
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4 Jim Wyss about the Steven Avery prosecution? 5 A No. 6 Q Have you to this day had any such discussions? 7 A No. 7 O Your knowledge, has Mr. Rollins? 9 A I don't know. 9 A And that dismissal, I can tell you, took place on to 10th of September of 2003, okay? Is that all right's A If that's the date if I saw the document, I would have no reason to doubt you 8 Q Okay. 9 A if that's what you say it is.	
5 A No. 6 Q Have you to this day had any such discussions? 7 A No. 8 Q To your knowledge, has Mr. Rollins? 9 A I don't know. 5 10th of September of 2003, okay? Is that all right? 6 A If that's the date if I saw the document, I would have no reason to doubt you 8 Q Okay. 9 A if that's what you say it is.	
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8 Q To your knowledge, has Mr. Rollins? 9 A I don't know. 8 Q Okay. 9 A if that's what you say it is.	ve
9 A I don't know. 9 A if that's what you say it is.	
10 Q Mr. Rollins talk to you at all about any potential 10 Q Did you have a second meeting with Judge Hazel	vood
liability of the City of Manitowoc in this case? 11 after the case was dismissed?	
12 A No. 12 A We may have had a meeting before the another	
13 Q After you received the information from the crime lab 13 meeting before the case was dismissed or after. I	
on September 3rd, did you talk with Judge Hazelwood 14 don't recall.	
about this case at all?	1
16 A Yes. 16 concerning the case after you went to the	
17 Q On how many occasions? 17 attorney general's office with Mr. Griesbach?	-
18 A I don't know. 18 A I don't recall. We may have.	•
19 Q Did you talk to him about Gregory Allen at all? 19 Q Do you recall at any time talking with Judge Haz	
20 A Yes. 20 about the information that you had found out from	lwood
21 Q Was Mr. Griesbach with you on any of the occasions in 21 Bergner about Gregory Allen?	lwood
which you talked to Judge Hazelwood about this case? 22 A I don't recall.	lwood
23 A Yes. 23 Q At any time after you received the call from the c	ilwood Mr.
24 Q Was it an in-person meeting or was it a meeting that 24 lab, did you have any discussions with Jim Bolger	ilwood Mr. ime
25 took place over the phone? 25 about this case?	ilwood Mr. ime

19 (Pages 135 to 137)

		Page 135	Page 137					
1	A	Yes.	1		that you received from the crime lab, did you have any			
2	Q	On how many occasions?	2		conversation with a Richard Brey, B-r-e-y, about the			
3	À	At least once.	3					
4	Q	In person or by phone?	4	Α	Are you referring to BRIGH [Brey]?			
5	À		5	Q	Is that how it's pronounced, BRIGH?			
6	Q		6	A	•			
7	À		7	Q	about the Steven Avery case?			
8	Q		8	A				
9	-	Judge Hazelwood suggested that I do that.						
10		Was it before or after you got the dismissal or	9	Q	After September 3 when you got the information you did			
11	•	filed the papers for the dismissal in the case?	10		from the crime lab, did you ever talk to Tom			
12	Α	I believe it was before.	11		Beerntsen?			
13	Q		12	A	No. Excuse me. No.			
14	~	dismissed with Jim Bolgert?	13		WITNESS: May I have some water?			
15	Α	Not that I recall.	14		MR. MCCAMBRIDGE: Sure.			
16		What do you recall of the conversation you had with	15		MR. KELLY: That's all I have.			
17	V	him?	16		WITNESS: Oh.			
18	Δ	I called him up to let him know what was going on,	17		MR. MCCAMBRIDGE: Okay.			
19	А	what we were intending to do. I recall him being	18		REPORTER: Anything further for the record,			
20		emotional. I don't recall what he said.	19		gentlemen?			
21	Q		20		MR. COVELLI: Nothing further.			
22	•	He was emotional.	21		MR. BASCOM: Nothing.			
23	_		22		REPORTER: There being nothing further, the			
24	Q	What were the emotions that you experienced when	23		deposition is concluded at 11:11 a.m. Off the			
25		· · · · · · · · · · · · · · · · · · ·	24		record.			
2,5		you			10001d.			
		Page 136						
1	A	I can't get into his head other than he was very						
2		emotional during the phone call. I didn't sense						
3		anger.						
4	Q	Was he happy?						
5	A	He seemed to he happy from what I could tell from his						
6		emotion, yes.						
7	Q	Did he say anything about Steven Avery?						
8	A	Not that I recall.						
9	Q	Did he ask you any questions about Gregory Allen?						
10	A	Not that I recall.						
11	Q	Did he make any statements to you about whether or not						
12	-	information concerning Gregory Allen had been provided						
13		to him when he was representing Steven Avery?						
14	A	He did not say anything like that.						
15	Q							
16		Bolgert after that one, concerning the Steven Avery						
17		matter?						
18	A	I don't recall.						
19	Q							
20	-	having done criminal defense work?						
21	A	Yes. And he married my wife and I.						
22	Q	Okay. So he's a friend of yours?						
23	_	He's not a friend. He's he married us. He's a						
24		friend of my in-laws, actually.						
25	Q	Okay. At any time after you received the information						
	~	omj. The arry time arear jour received the information						

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